STAT

ARTICLE APPEARED
ON PAGE 1

LOS ANGELES TIMES
20 February 1982

Issue of War and Peace, Democracy

Security: a President's Duty vs. Public's Right

By DAVID WOOD, *Times Staff Writer*

WASHINGTON—President Reagan's refusal at his Thursday news conference to discuss possible military and covert intelligence operations in Latin America raises one of democracy's most perplexing issues—how to balance the people's right to participate in issues of war and peace with the President's duty to plan and execute national security policy.

Despite some congressional con-

Analysis

trols over his actions, Reagan—like his predecessors in the White House—appears to be asserting the right to use his broad powers to act in Latin America before there has been any public discussion of possible actions.

At the heart of this far-reaching issue is the question of whether the electorate has a right to know of the President's decision to send troops to a foreign country before the troops depart. Over the years, many Presidents have sent troops abroad without such notice.

There is also the question of whether Congress has a right to advise the President before he authorizes a covert CIA operation to topple a foreign government.

Such questions—among the oldest and most difficult confronting a democracy—have risen anew with Reagan's flat refusal to discuss publicly the options under consideration for dealing with guerrilla warfare in Latin America.

Despite national soul-searching on how the United States got into the Vietnam War, widespread agonizing over the implications of Richard M. Nixon's "imperial Presidency" and numerous attempts to legislate controls on the President's broad power to order U.S. military action short of a formal declaration of war, the basic issue remains unresolved.

The Reagan Administration faces a quandary in what course of action to take in combating what it has called "naked Communist aggression" in Latin America. Concern has risen in Congress and elsewhere that the Administration might greatly increase its military presence in El Salvador, where about 50 U.S. military advisers are training and supervising that government's war against leftist guerrillas.

There have also been reports that the Administration is considering a covert operation to destabilize the leftist government in Nicaragua.

Asked about these reports at his news conference, Reagan said: "I just don't beleive that you discuss these options, or what you may or may not do, in advance of doing any of those things." Discussing options, he added, "is just giving away things" and serves to "reduce your leverage."

As for possible covert intelligence operations, they are also not to be examined publicly, Reagan added. The law, he said, requires that such operations "have to be cleard with congressional committees." In fact, the law does not give veto power to the committees and in some emergency situations they need not be told in advance.

The Founding Fathers, in an attempt to prevent an imperial Presidency, vested in Congress the constitutional power to declare war. The President, as commander in chief, was assigned the power to conduct war.

But after the United States fought in Korea and Vietnam largely as a result of presidential initiatives without formal declarations of hostilities, Congress enacted the War Powers Act of 1973, which sharply limits situations in which the President can commit U.S. forces, requires the President to notify Congress within 48 hours of such an action and requires an automatic termination of a troop commitment unless Congress authorizes the action.

Right to Act in Secret

Similarly, Congress moved two years ago to require that the President report covert intelligence operations "in a timely fashion" to the two intelligence committees of Congress. In an emergency, only eight high-ranking members of Congress need be informed, and in an extreme emergency, the President may take action without informing anyone.

Both of these efforts attempt to recognize that while the electorate does have a right to know, the government also has the need for some degree of secrecy. "I don't see how a representative government can proceed on any other basis," Ray Cline, a high, former CIA official said. "We were never meant to be a town-hall type of government, in which every issue is put to a vote by the entire population."

CONTINUED